



INTERIOR BOARD OF INDIAN APPEALS

Dewayne Blackman v. Rocky Mountain Regional Director, Bureau of Indian Affairs

41 IBIA 171 (08/08/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

DEWAYNE BLACKMAN,
Appellant,

v.

ROCKY MOUNTAIN REGIONAL
DIRECTOR, BUREAU OF INDIAN
AFFAIRS,
Appellee.

: Order Docketing and
: Dismissing Appeal
:
:
:
: Docket No. IBIA 05-85-A
:
:
: August 8, 2005

On August 5, 2005, the Board of Indian Appeals (Board) received a notice of appeal from Dewayne Blackman (Appellant), through counsel Joe J. McKay, Esq. Appellant seeks review of a July 5, 2005, decision of the Rocky Mountain Regional Director, Bureau of Indian Affairs (Regional Director; BIA), denying Appellant's request for reconsideration of BIA's decision to discharge him during his one-year probationary period as an employee.

It is apparent from the notice of appeal and from the Regional Director's decision that the Board lacks jurisdiction over this appeal. The Board's jurisdiction is limited to matters arising under 25 C.F.R. Chapter I and other matters concerning Indians that are referred to it by the Secretary or the Assistant Secretary - Indian Affairs. 43 C.F.R. §§ 4.1(b)(2), 4.330(a). Neither of those bases for the Board's jurisdiction applies to the Regional Director's employment decision in this case. Cf. Tuba City (Grey Hills) High School Board v. Navajo Area Director, 18 IBIA 314 (1990) (Federal Civil Service retirement matter not within Board's jurisdiction); Johnson v. Anadarko Area Director, 16 IBIA 134 (1988) (employment dispute not within Board's jurisdiction).

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board docketing this appeal but dismisses it for lack of jurisdiction. 1/

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Anita Vogt
Senior Administrative Judge

1/ The Board expresses no view whether another forum or remedy may be available to Appellant.